

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 668 of 2018**

1. Manbodh Gond S/o Late Raruha Gond Aged About 37 Years

2. Santosh Gond S/o Late Raruha Gond Aged About 39 Years

Both are R/o- Village Gatapar (Kumharwada), P.S. Bakarkatta, District-
Rajnandgaon, Chhattisgarh.

---- Appellants

In Jail

Versus

- State Of Chhattisgarh Through- Station House Officer, Bakarkatta, District-
Rajnandgaon, Chhattisgarh.

---- Respondent

13/07/2018	Shri Dashrath Prajapati, counsel for the appellants. Shri Vaibhav Goverdhan, Panel Lawyer for the State. Heard on IA No.01/2018, application for suspension of sentence and grant of bail to the appellants during pendency of this appeal. By the impugned judgment dated 27.4.2018 passed by the Additional Sessions Judge, Khairagarh, Distt. Rajnandgaon (CG) in ST No.15/2016 each of the appellants stands convicted under Section 302 of IPC and sentenced to undergo life imprisonment. Learned counsel for the appellants submits that the incident is said to have occurred on	

21.6.2016, the injured was taken to hospital from where he was discharged on 2.7.2016 and thereafter he died on 11.7.2016. It has been argued that there is no evidence as to where the deceased was in between 2.7.2016 and 11.7.2016. He further submits that solitary club blow was given by the appellant and as per autopsy surgeon report no fracture was found. He submits that even if the entire prosecution case is taken as it is, the offence would not travel beyond Section 323 of IPC. Lastly it has been submitted that the appellant is in jail for the last more than two years and since final disposal of the appeal may take some time, he may be released on bail.

On the other hand, State counsel opposes the bail application.

Considering the totality of the case, in particular the fact that the deceased died after about 20 days of the incident, no fracture was noticed in his medical report and even it has not been opined by the autopsy surgeon that the injuries sustained by the deceased were grievous in nature, without further entering into merits of the case, this Court is of the opinion that present is a fit case for suspension of sentence and grant of bail to the appellants. Accordingly, the application (IA Nos.01/2018) is allowed.

It is directed that the jail sentence imposed upon the appellants shall remain suspended during the pendency of this appeal and they shall be released on bail on each of them furnishing a personal bond in the sum of Rs.20,000/- with one surety of the like amount to the satisfaction of the

concerned trial Court. The appellants need not give appearance anywhere until and unless otherwise directed.

(Ajay Kumar Tripathi)

Chief Justice

(Pritinker Diwaker)

Judge